

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE: NEW ENGLAND COMPOUNDING  
PHARMACY, INC. PRODUCTS LIABILITY  
LITIGATION

MDL No. 2419  
Master Dkt. 1:13-md-02419-RWZ

THIS DOCUMENT RELATES TO:

All Cases Identified In Dkt. Nos. 1401, 1471,  
1472, & 1473 and The PSC's Previous  
Response Dkt. No. 1518 & 1519.

**THE PLAINTIFFS' STEERING COMMITTEE'S MOTION TO FILE UNDER SEAL ITS  
OPPOSITION TO LIBERTY INDUSTRIES, INC.'S OMNIBUS MOTION FOR  
SUMMARY JUDGMENT IN CASES FILED BY PLAINTIFFS INJECTED IN INDIANA  
PURSUANT TO THE THIRD AMENDED PROTECTIVE ORDER**

NOW COMES the Plaintiffs' Steering Committee (the "PSC"), pursuant to the Third Amended Protective Order of Confidentiality [Dkt. No. 814] ("Protective Order"), and hereby moves to file certain documents under seal in accordance with the requirements and procedures of the Protective Order. In support thereof, the PSC states as follows:

The PSC deposed two Liberty employees on November 18, 2014. The PSC incorporates confidential documents and testimony regarding those documents into its Opposition To Liberty Industries, Inc.'s Omnibus Motion for Summary Judgment in Cases Filed by Plaintiffs Injected in Indiana. Further, the PSC attaches as support to its Opposition excerpts from a deposition transcript which under the Protective Order could be considered confidential.

Liberty's counsel has not yet responded with designations of confidentiality to the transcripts. Under the Protective Order, the entire text of the deposition, including all testimony therein and exhibits thereto, shall be treated as confidential for thirty days. *See* Protective Order, ¶ 4(F). The Protective Order does not contemplate what the effect is of counsel not providing designations. Accordingly, out of caution, the PSC respectfully seeks leave to file under seal.

A redacted version of the PSC's Opposition will be filed with the Court and unredacted copies will be submitted by hand to the Court for review.

WHEREFORE, the PSC respectfully requests this Court accept for filing under seal the PSC's Opposition and its exhibits.

Dated: December 22, 2014

Respectfully submitted,

**/s/ Thomas M. Sobol**

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*Plaintiffs' Steering Committee*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on December 22, 2014, a true and exact copy of the foregoing was filed with this the Clerk of the Court using the ECF system that sent a notification of this filing to all ECF registered counsel of record via e-mail generated by the Court's ECF system.

**/s/ Thomas M. Sobol**

Thomas M. Sobol (BBO # 471770)